

FRIDAY, JUNE 22, 2001

FIFTY-SECOND LEGISLATIVE DAY

The House met at 1:30 p.m. and was called to order by Mr. Speaker Naifeh.

The proceedings were opened with prayer by Representative John DeBerry.

Representative John DeBerry led the House in the Pledge of Allegiance to the Flag.

ROLL CALL

The roll call was taken with the following results:

Present.....95

Representatives present were: Armstrong, Arriola, Baird, Beavers, Bittle, Black, Bone, Bowers, Boyer, Briley, Brooks, Brown, Buck, Bunch, Buttry, Caldwell, Chumney, Clem, Cole (Carter), Cole (Dyer), Cooper, Curtiss, Davidson, Davis (Washington), Davis (Cocke), DeBerry J, DeBerry L, Dunn, Ferguson, Fitzhugh, Ford, Fowlkes, Fraley, Garrett, Givens, Godsey, Goins, Hagood, Hargett, Hargrove, Harwell, Head, Hood, Johnson, Jones S, Jones U, Kent, Kernell, Kisber, Langster, Lewis, Maddox, McCord, McDaniel, McDonald, McKee, McMillan, Miller, Montgomery, Mumpower, Newton, Odom, Overbey, Patton, Phelan, Pinion, Pleasant, Pruitt, Rhinehart, Ridgeway, Rinks, Roach, Rowland, Sands, Sargent, Scroggs, Sharp, Shaw, Shepard, Stanley, Tindell, Turner (Hamilton), Turner (Shelby), Turner (Davidson), Vincent, Walker, West, Westmoreland, White, Whitson, Williams, Windle, Winningham, Wood, Mr. Speaker Naifeh -- 95.

EXCUSED

The Speaker announced that the following member(s) has/have been excused, pursuant to request(s) under **Rule No. 20**:

Representative Phillips; personal reasons.

Representative Tidwell; illness.

Representative Todd; illness.

SPONSORS ADDED

Under **Rule No. 43**, the following members were permitted to add their names as sponsors as indicated below, the prime sponsor of each having agreed to such addition:

**House Joint Resolution No. 576:** Rep(s). Newton and Naifeh as prime sponsor(s).

**MESSAGE FROM THE SENATE**  
**June 22, 2001**

MR. SPEAKER: I am directed to transmit to the House, Senate Joint Resolution(s) No(s). 452; adopted for concurrence.

RUSSELL A. HUMPHREY, Chief Clerk.

**Senate Joint Resolution No. 452** -- Memorials, Death - Dianne Shea. by \*Haynes, \*Atchley, \*Blackburn, \*Burchett, \*Burks, \*Carter, \*Clabough, \*Cohen, \*Cooper J, \*Crowe, \*Crutchfield, \*Davis L, \*Dixon, \*Elsea, \*Ford J, \*Fowler, \*Graves, \*Harper, \*Haun, \*Henry, \*Herron, \*Jackson, \*Kurita, \*Kyle, \*McNally, \*Miller J, \*Norris, \*Person, \*Ramsey, \*Rochelle, \*Trail, \*Wilder, \*Williams.

**INTRODUCTION OF RESOLUTIONS**

On motion, pursuant to **Rule No. 17**, the resolution(s) listed was/were introduced and referred to the appropriate Committee:

**\*House Joint Resolution No. 576** -- Constitutional Amendments - Proposes amendment to Article II, Section 24, to limit state tax revenues to 6 percent of state's economy unless governor declares emergency and declaration is ratified by three-fifths of each house. by \*Buck, \*Walker, \*Head, \*Newton, \*Naifeh.

House Finance, Ways and Means Committee

**RESOLUTIONS**

Pursuant to **Rule No. 17**, the following resolution(s) was/were introduced and placed on the Consent Calendar for June 23, 2001:

**House Joint Resolution No. 577** -- Memorials, Recognition - Greek Festival. by \*Chumney, \*DeBerry J, \*Jones U (Shelby), \*Bowers.

**SENATE JOINT RESOLUTIONS**  
**(Congratulatory and Memorializing)**

Pursuant to **Rule No. 17**, the resolution(s) listed was/were noted as being placed on the Consent Calendar for June 23, 2001:

**Senate Joint Resolution No. 452** -- Memorials, Death - Dianne Shea. by \*Haynes, \*Atchley, \*Blackburn, \*Burchett, \*Burks, \*Carter, \*Clabough, \*Cohen, \*Cooper J, \*Crowe, \*Crutchfield, \*Davis L, \*Dixon, \*Elsea, \*Ford J, \*Fowler, \*Graves, \*Harper, \*Haun, \*Henry, \*Herron, \*Jackson, \*Kurita, \*Kyle, \*McNally, \*Miller J, \*Norris, \*Person, \*Ramsey, \*Rochelle, \*Trail, \*Wilder, \*Williams.

## INTRODUCTION OF BILLS

On motion, the following bills were introduced and passed first consideration:

**House Bill No. 2033** -- Lebanon - Subject to local approval, establishes departments of public safety and community service. Amends Chapter 644 of the Private Acts of 1911; as amended. by \*Bone.

**House Bill No. 2035** -- Maury County - Subject to local approval, enacts "Curfew for Maury County Minors Act of 2001.". by \*Sands, \*White.

## CONSENT CALENDAR

**House Resolution No. 164** -- Memorials, Death - James Neal Markwood. by \*Windle.

**House Joint Resolution No. 572** -- Memorials, Professional Achievement - Sam Tarpe, President of Tennessee Municipal League. by \*Ridgeway.

**House Joint Resolution No. 573** -- Memorials, Recognition - Eric Jerome Dickey. by \*DeBerry L.

**House Joint Resolution No. 574** -- Memorials, Recognition - Mae D. Houston. by \*Turner (Shelby).

**House Bill No. 2031** -- Rutherford County - Subject to local approval, replaces board of humane/rabies control with department of animal services. Amends Chapter 55 of the Private Acts of 1983; as amended. by \*Hood, \*Beavers, \*Rowland. (SB1994 by \*Trail)

Pursuant to **Rule No. 50**, Rep. Miller moved that all House Bills having companion Senate Bills and are on the Clerk's desk be conformed and substituted for the appropriate House Bill, all Senate and House Bills on the Consent Calendar be passed on third and final consideration, all House Resolutions and House Joint Resolutions be adopted, and all Senate Joint Resolutions on the Consent Calendar be concurred in, which motion prevailed by the following vote:

Ayes .....	94
Noes .....	0

Representatives voting aye were: Armstrong, Baird, Beavers, Bittle, Black, Bone, Bowers, Boyer, Briley, Brooks, Brown, Buck, Bunch, Buttry, Caldwell, Chumney, Clem, Cole (Carter), Cole (Dyer), Cooper, Curtiss, Davidson, Davis (Washington), Davis (Cocke), DeBerry J, DeBerry L, Dunn, Ferguson, Fitzhugh, Ford, Fowlkes, Fraley, Garrett, Givens, Godsey, Goins, Hagood, Hargett, Hargrove, Harwell, Head, Hood, Johnson, Jones S, Jones U, Kent, Kernell, Kisber, Langster, Lewis, Maddox, McCord, McDaniel, McDonald, McKee, McMillan, Miller, Montgomery, Mumpower, Newton, Odom, Overbey, Patton, Phelan, Pinion, Pleasant, Pruitt, Rhinehart, Ridgeway, Rinks, Roach, Rowland, Sands, Sargent, Scroggs, Sharp, Shaw, Shepard, Stanley, Tindell, Turner (Hamilton), Turner (Shelby), Turner (Davidson), Vincent, Walker, West, Westmoreland, White, Whitson, Williams, Windle, Winningham, Wood, Mr. Speaker Naifeh -- 94.

A motion to reconsider was tabled.

## MESSAGE CALENDAR

### HOUSE ACTION ON SENATE AMENDMENTS

**House Bill No. 1203** -- Bail, Bail Bonds - Expands power of bail bondsman or surety to arrest defendant on certified copy of undertaking outside state. Amends TCA Title 40, Chapter 11, by \*Buck. (\*SB385 by \*Davis L)

Further consideration of House Bill No. 1203 previously considered on June 18, 2001 and June 21, 2001, at which time it was reset for today's Message Calendar.

#### Senate Amendment No. 1

AMEND House Bill No. 1203 by inserting the following new sections immediately preceding the effective date section and by renumbering subsequent sections accordingly:

SECTION \_\_\_\_\_. Tennessee Code Annotated, Section 40-11-302, is amended by deleting subsection (c) and by substituting instead the following:

(c) A professional bondsman may act as surety on the following civil bonds, to a maximum of ten thousand dollars (\$10,000), without qualifying with the department as an insurance company or agent being subject to the laws governing insurance companies or agents, so long as the court regulating the professional bondsman's criminal bonding activities has established regulations for the civil bonding activities of the professional bondsman which, at a minimum, shall require a ten percent (10%) security. These bonds are: appeal, attachment, certiorari, cost, detainer, injunction, lis pendens, possession, and restraining order. A professional bondsman may act as surety on appearance and contempt bonds without qualifying with the department as an insurance company or agent.

SECTION \_\_\_\_\_. Tennessee Code Annotated, Section 40-11-132, is amended by deleting from the first sentence the words "before the forfeiture of their undertaking".

SECTION \_\_\_\_\_. Tennessee Code Annotated 40-11-132, is amended by deleting the word "or" at the end of subdivision (1); by deleting the period at the end of subdivision (2) and by substituting instead a semicolon ";"; and by adding the following language as new, appropriately designated subdivisions:

(3) A forfeit, conditional or final, has been rendered against the defendant;

(4) The defendant has failed to appear in court either as ordered by the court or as commanded by any legal process; or

(5) The defendant has been arrested while on bond.

Rep. Buck moved that the House concur in Senate Amendment(s) No(s). 1 to **House Bill No. 1203**, which motion prevailed by the following vote:

Ayes .....	93
Noes .....	0
Present and not voting .....	1

Representatives voting aye were: Armstrong, Arriola, Baird, Beavers, Bittle, Black, Bone, Bowers, Boyer, Briley, Brooks, Brown, Buck, Bunch, Buttry, Caldwell, Chumney, Clem, Cole (Carter), Cole (Dyer), Cooper, Curtiss, Davidson, Davis (Washington), Davis (Cocke), DeBerry J, Dunn, Ferguson, Fitzhugh, Ford, Fowlkes, Fraley, Garrett, Givens, Godsey, Goins, Hagood, Hargett, Hargrove, Harwell, Head, Hood, Johnson, Jones S, Jones U, Kent, Kernell, Kisber, Langster, Lewis, Maddox, McCord, McDaniel, McDonald, McKee, McMillan, Miller, Montgomery, Mumpower, Newton, Odom, Overbey, Patton, Phelan, Pinion, Pleasant, Pruitt, Rhinehart, Ridgeway, Rinks, Roach, Rowland, Sands, Sargent, Scroggs, Shaw, Shepard, Stanley, Tindell, Turner (Hamilton), Turner (Shelby), Turner (Davidson), Vincent, Walker, West, Westmoreland, White, Whitson, Williams, Windle, Winningham, Wood, Mr. Speaker Naifeh -- 93.

Representatives present and not voting were: Sharp -- 1.

A motion to reconsider was tabled.

#### HOUSE ACTION ON SENATE MESSAGE

**House Bill No. 1155** -- Bail, Bail Bonds - Requires bondsman to verify accuracy of address given by defendant for whom bail has been set; statement that address has been verified prerequisite to bounty hunter taking person into custody who has failed to appear in court; failure or negligence in verifying address results in bondsman and bounty hunter being jointly and severally liable for property damage, injury or death caused to third party by bounty hunter at given address. Amends TCA Title 40, Chapter 11, Part 3. by \*Langster, \*Head, \*Jones U (Shelby). (\*SB221 by \*Dixon)

#### CONFERENCE COMMITTEE REPORT ON HOUSE BILL NO. 1155

The House and Senate Conference Committee appointed pursuant to motions to resolve the differences between the two houses on House Bill No. 1155 (Senate Bill No. 221) has met and recommends that Senate Amendment No. 1 and Senate Amendment No. 2 be deleted:

The Committee further recommends that House Amendment No.1 (HA0459), which reads as follows, be adopted:

by deleting all language after the enacting clause and by substituting instead the following:

SECTION 1. Tennessee Code Annotated, Section 40-11-318, is amended by deleting subsection (c) in its entirety and by substituting instead the following:

(c) Before a bounty hunter takes into custody any person who has failed to appear in court, such bounty hunter shall comply with Section 40-11-401, make a good faith effort to verify the person's address, and present to the office of the appropriate law enforcement officer of the political subdivision where the taking will occur:

(1) A certified copy of the underlying criminal process against the defendant;

(2) A certified copy of the bond or capias; and

(3) Proper credentials from a professional bondsman in Tennessee or another state verifying that the bounty hunter is an agent of a professional bondsman; and

(4) A pocket card certifying that the bounty hunter has completed the training required by this act or, if the bounty hunter is from a state other than Tennessee, proof that such bounty hunter successfully completed an equivalent amount of training in the bounty hunter's home state within the last year.

SECTION 2. Tennessee Code Annotated, Title 40, Chapter 11, Part 3, is amended by adding the following as a new section thereto:

Section 40-11-320. Before employing a bounty hunter to apprehend a defendant, a professional bail bondsman shall make a reasonable effort to verify the defendant's address.

SECTION 3. This act shall take effect upon becoming a law, the public welfare requiring it.

Senator Roscoe Dixon	Representative Edith Langster
Senator Rosalind Kurita	Representative Tommy Head
Senator Tommy Haun	Representative Keith Westmoreland

Rep. Langster moved that the Report of the Conference Committee on **House Bill No. 1155** be adopted and made the action of the House, which motion prevailed by the following vote:

Ayes .....	96
Noes .....	0

Representatives voting aye were: Armstrong, Arriola, Baird, Beavers, Bittle, Black, Bone, Bowers, Boyer, Briley, Brooks, Brown, Buck, Bunch, Buttry, Caldwell, Chumney, Clem, Cole (Carter), Cole (Dyer), Cooper, Curtiss, Davidson, Davis (Washington), Davis (Cocke), DeBerry J, DeBerry L, Dunn, Ferguson, Fitzhugh, Ford, Fowlkes, Fraley, Garrett, Givens, Godsey, Goins, Hagood, Hargett, Hargrove, Harwell, Head, Hood, Johnson, Jones S, Jones U, Kent, Kernell, Kisber, Langster, Lewis, Maddox, McCord, McDaniel, McDonald, McKee, McMillan, Miller, Montgomery, Mumpower, Newton, Odom, Overbey, Patton, Phelan, Pinion, Pleasant, Pruitt, Rhinehart, Ridgeway, Rinks, Roach, Rowland, Sands, Sargent, Scroggs, Sharp, Shaw, Shepard, Stanley, Tindell, Towns, Turner (Hamilton), Turner (Shelby), Turner (Davidson), Vincent, Walker, West, Westmoreland, White, Whitson, Williams, Windle, Winningham, Wood, Mr. Speaker Naifeh -- 96.

A motion to reconsider was tabled.

## **HOUSE ACTION ON SENATE MESSAGE**

### **MOTION TO RECONSIDER**

Rep. Cooper moved to lift from the table the motion to reconsider action in nonconcurring in Senate Amendment(s) No(s). 2 and 3 to Senate Bill No. 1543, which motion prevailed.

**\*Senate Bill No. 1543** -- Historical Sites and Preservation - Transfers jurisdiction and control of Chucalissa Indian Village and Museum from University of Memphis to department of environment and conservation. by \*Dixon. (HB1173 by \*Cooper B, \*Turner (Shelby), \*Shaw, \*Bowers, \*Armstrong, \*Jones U (Shelby), \*Miller L, \*Langster, \*DeBerry L)

Rep. Cooper moved to withdraw the motion to nonconcur in Senate Amendment(s) No(s). 2 and 3 to Senate Bill No. 1543, which motion prevailed.

### **BILL RETURNED**

Rep. Cooper requested that Senate Bill No. 1543 be returned to the Senate, which motion prevailed.

### **RULES SUSPENDED**

Rep. West moved that the rules be suspended for the purpose of introducing House Joint Resolution No. 575 out of order, which motion prevailed.

**House Joint Resolution No. 575** -- Memorials, Retirement - John M. Stone, Sr. by \*West.

On motion, the rules were suspended for the immediate consideration of the resolution.

On motion of Rep. West, the resolution was adopted.

A motion to reconsider was tabled.

**SPONSORS ADDED**

Under **Rule No. 43**, the following members were permitted to add their names as sponsors as indicated below, the prime sponsor of each having agreed to such addition:

**House Joint Resolution No. 569:** Rep(s). Rhinehart as prime sponsor(s).

**House Bill No. 1283:** Rep(s). S. Jones as prime sponsor(s).

**House Bill No. 1873:** Rep(s). Rinks as prime sponsor(s).

**MESSAGE FROM THE SENATE**

**June 22, 2001**

MR. SPEAKER: I am directed to transmit to the House, Senate Bill(s) No(s). 1962; for the signature of the Speaker.

RUSSELL A. HUMPHREY Chief Clerk.

**SIGNED**

**June 22, 2001**

The Speaker signed the following: Senate Bill(s) No(s). 1962.

**ENROLLED BILLS**

**June 22, 2001**

MR. SPEAKER: Your Chief Engrossing Clerk begs leave to report that we have carefully compared House Resolution(s) No(s). 162 and 163; and find same correctly enrolled and ready for the signature of the Speaker.

BETTY KAY FRANCIS, Chief Engrossing Clerk.

**SIGNED**

**June 22, 2001**

The Speaker signed the following: House Resolution(s) No(s). 162 and 163.

BETTY KAY FRANCIS, Chief Engrossing Clerk.

**MESSAGE FROM THE SENATE**

**June 22, 2001**

MR. SPEAKER: I am directed to return to the House, House Bill(s) No(s). 572.

The Senate refused to recede from its action in adopting Amendment(s) No(s). 2.

RUSSELL A. HUMPHREY, Chief Clerk.



**MESSAGE FROM THE SENATE**

**June 22, 2001**

MR. SPEAKER: I am directed to return to the House, House Joint Resolution(s) No(s). 564; concurred in by the Senate.

RUSSELL A. HUMPHREY, Chief Clerk.

**ENGROSSED BILLS**

**June 22, 2001**

The following bill(s) have been examined, engrossed, and are ready for transmission to the Senate: House Joint Resolution(s) No(s). 575.

BETTY KAY FRANCIS, Chief Engrossing Clerk.

**ENGROSSED BILLS**

**June 22, 2001**

The following bills have been examined, engrossed, and are ready for transmission to the Senate: House Bill(s) No(s). 2031, also, House Joint Resolution(s) No(s). 572, 573 and 574.

BETTY KAY FRANCIS, Chief Engrossing Clerk.

**ENROLLED BILLS**

**June 22, 2001**

The following bills have been compared, enrolled, and are ready for the signature(s) of the Speaker(s): House Bill(s) No(s). 1203; House Joint Resolution(s) No(s). 564; also, House Resolution(s) No(s). 164.

BETTY KAY FRANCIS, Chief Engrossing Clerk.

**SIGNED**

**June 22, 2001**

The Speaker signed the following: House Bill(s) No(s). 1203; House Joint Resolution(s) No(s). 564; also, House Resolution(s) No(s). 164.

BETTY KAY FRANCIS, Chief Engrossing Clerk.

**MESSAGE FROM THE SENATE**

**June 22, 2001**

MR. SPEAKER: I am directed to return to the House, House Bill(s) No(s). 1203; signed by the Speaker.

RUSSELL A. HUMPHREY, Chief Clerk.

**MESSAGE FROM THE SENATE**

**June 22, 2001**

MR. SPEAKER: I am directed to return to the House, House Joint Resolution(s) No(s). 564; signed by the Speaker.

RUSSELL A. HUMPHREY, Chief Clerk.

**MESSAGE FROM THE SENATE**

**June 22, 2001**

MR. SPEAKER: I am directed to return to the House, House Bill No. 1678.

The Senate refused to recede from its action in adopting Amendment(s) No(s). 7, 9 and 11.

The Senate lifted the tabling motion, reconsidered passage of the bill, reconsidered adoption of Amendment No. 12, withdrew Amendment No. 12, then repassed the bill on third and final consideration, as amended.

RUSSELL A. HUMPHREY, Chief Clerk.

**ROLL CALL**

The roll call was taken with the following results:

Present.....96

Representatives present were: Armstrong, Arriola, Baird, Beavers, Bittle, Black, Bone, Bowers, Boyer, Briley, Brooks, Brown, Buck, Bunch, Buttry, Caldwell, Chumney, Clem, Cole (Carter), Cole (Dyer), Cooper, Curtiss, Davidson, Davis (Washington), Davis (Cocke), DeBerry J, DeBerry L, Dunn, Ferguson, Fitzhugh, Ford, Fowlkes, Fraley, Garrett, Givens, Godsey, Goins, Hagood, Hargett, Hargrove, Harwell, Head, Hood, Johnson, Jones S, Jones U, Kent, Kernell, Kisber, Langster, Lewis, Maddox, McCord, McDaniel, McDonald, McKee, McMillan, Miller, Montgomery, Mumpower, Newton, Odom, Overbey, Patton, Phelan, Pinion, Pleasant, Pruitt, Rhinehart, Ridgeway, Rinks, Roach, Rowland, Sands, Sargent, Scroggs, Sharp, Shaw, Shepard, Stanley, Tindell, Towns, Turner (Hamilton), Turner (Shelby), Turner (Davidson), Vincent, Walker, West, Westmoreland, White, Whitson, Williams, Windle, Winningham, Wood, Mr. Speaker Naifeh -- 96.

**RECESS MOTION**

On motion of Rep. Davidson, the House stood in recess until 1:30 p.m., Saturday, June 23, 2001.